

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

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UNITED STATES OF AMERICA,	)	
	)	
STATE OF WISCONSIN,	)	
	)	
STATE OF ILLINOIS, and	)	
	)	
STATE OF MICHIGAN,	)	
	)	
<i>Plaintiffs,</i>	)	Civil Action No. 2:10-cv-00059-JPS
	)	
	)	
v.	)	
	)	
DEAN FOODS COMPANY,	)	
	)	
<i>Defendant.</i>	)	
<hr/>	)	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE A SUR-REPLY IN FURTHER  
RESPONSE TO DEFENDANT'S MOTION TO COMPEL A DISCOVERY RESPONSE  
TO THE FIRST INTERROGATORY OF DEAN FOODS COMPANY**

Pursuant to Civil Local Rule 7(i), Plaintiffs United States of America, State of Wisconsin, State of Illinois, and State of Michigan ("Plaintiffs") respectfully move the Court for leave to file the attached Sur-Reply in Further Response to Defendant's Motion to Compel a Discovery Response to the First Interrogatory of Dean Foods Company.

Plaintiffs move on the ground that Dean's Reply Memorandum in Support of its Motion to Compel (Dkt. #41) raises a new argument that it did not raise in its Memorandum in support of its Motion to Compel (Dkt. #34). Dean's new argument is that there is no protection for fact work product in response to an interrogatory. Plaintiffs believe this argument is directly

contradicted by case law. Plaintiffs also seek to inform the Court about voluminous third-party discovery, including 227 document subpoenas, which Dean began serving on August 16, 2010, one business day after Plaintiffs filed their Response brief. Plaintiffs believe such burdensome third-party discovery to be inconsistent with Dean's claim that granting its motion will "narrow the number of third-parties subject to unwanted discovery in this case." Dean Mot. to Compel, at 2. Finally, Plaintiffs wish to respond to several new cases Dean cites for the first time in its Reply.

Accordingly, Plaintiffs respectfully request leave to file a sur-reply brief, a copy of which is filed with this Motion.

Respectfully submitted,

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